

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

RESTAURANT LAW CENTER, and NEW
YOUR STATE RESTAURANT
ASSOCIATION,

Plaintiffs,

v.

CITY OF NEW YORK, and SANDRA
ABELES, in her official capacity as
Commissioner of the NEW YORK CITY
DEPARTMENT OF CONSUMER AND
WORKER PROTECTION,

Defendants.

Case No. 1:21-cv-04801-DLC

**DECLARATION OF LENI D. BATTAGLIA IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO PROFESSORS KATE ANDRIAS,
MARK BARENBERG, JAMES BRUDNEY, CYNTHIA ESTLUND, CATHERINE FISK,
CHARLOTTE GARDEN, WILLIAM GOULD, BRISHEN ROGERS & LAURA WEINRIB'S
MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE***

I, Leni D. Battaglia, pursuant to 28 U.S.C. § 1746, state as follows:

1. I am a partner at the law firm of Morgan, Lewis & Bockius LLP and represent the Restaurant Law Center ("RLC") and the New York State Restaurant Association ("NYSRA") (collectively "Plaintiffs").

2. I submit this declaration in support of Plaintiffs' Opposition to Professors Kate Andrias, Mark Barenberg, James Brudney, Cynthia Estlund, Catherine Fisk, Charlotte Garden, William Gould, Brishen Rogers, and Laura Winrib's ("the professors") motion for leave to file an *amicus* brief (ECF Dkt. 32). I have personal knowledge of the matters set forth herein.

3. According to a curriculum vitae posted on Columbia Law School's website, Kate Andrias worked at the Services Employees International Union & SEIU 1199NE as a Lead

Organizer, Organizer, Area Director, and Consultant for Legal Department from 1997 – 2001 and 2005 – 2006. A true and correct copy of the Curriculum Vitae of Professor Andrias as posted on the Columbia Law School’s website is attached hereto as Exhibit 1. *Also available* at https://www.law.columbia.edu/sites/default/files/2021-06/kate_andrias_cv_march_2020.pdf. A true and correct copy of Kate Andrias’ profile page on the Columbia Law School website is attached hereto as Exhibit 2.

4. Publicly disclosed financial reports show the SEIU paid proposed *amicus* Professor James D. Brudney \$5,557 for “Consulting Fees and Expenses.” *See* 2009 SEIU International LM-2 at 381. A true and correct copy of selected pages of the 2009 SEIU International Form LM-2 Labor Organization Annual Report, dated March 31, 2010 is attached hereto as Exhibit 3.

5. Proposed *amicus* Professor Cynthia Estlund is also listed as an *amicus curiae* on a brief in support of the SEIU which was authored by two other proposed *amici* here, Professor Catherine Fisk and Professor Charlotte Garden in *Service Employees International Union Local 87, Petitioner, v. National Labor Relations Board, Respondent, Preferred Building Services, Intervenor.*, 2019 WL 4196823 (C.A.9). A true and correct copy of Brief of Amici Curiae Labor Law Professors in Support of Petitioner is attached hereto as Exhibit 4, at 1, 40, 41. *Also available* at

<https://www.chamberlitigation.com/sites/default/files/cases/files/19191919/Law%20Professor%20Amicus%20Brief%20--%20SEIU%20Local%2087%20v.%20NLRB%20%28Ninth%20Circuit%29.pdf>.

6. A former post on SEIU.org states Professor Fisk is a former member of the SEIU Commission on Ethics and Standards and was appointed to the International Executive Board of

the SEIU's Ethics Review Board. A copy of Ali Jost, "International Executive Board of SEIU Unanimously Adopts Landmark Ethics & Standards Package for Union," SEIU.ORG (June 15, 2009) is attached hereto as Exhibit 5, at 1.

7. Professor Garden is listed as an author on an *amicus* brief co-authored with SEIU local affiliates in *Univ. of Texas Sw. Med. Ctr. v. Nassar*, 570 U.S. 338 (2013). A true and correct copy of Brief of *Amici Curiae* Committee of Interns and Residents SEIU; Doctors Council SEIU; and Korean American Medical Association in Support of Respondent is attached hereto as Exhibit 6, at 24. *Also available* at

https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1008&context=korematsu_c_enter.

8. According to a faculty profile posted on Georgetown University Law Center's website, Professor Brishen Rogers is a former organizer for the SEIU's "Justice for Janitors" campaign. A true and correct copy of the Georgetown University Law Center's Faculty Profile of Brishen Rogers is attached hereto as Exhibit 7. *Also available* at

<https://www.law.georgetown.edu/faculty/brishen-rogers/>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 10, 2021

/s/ *Leni D. Battaglia*
Leni D. Battaglia